

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

Serial Number: 10/706,356

Filing Date: November 11, 2003

Title: TECHNIQUES TO MAP AND DE-MAP SIGNALS

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Dkt: P16194**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed June 11, 2008. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1-6, 8-10, 13-51, and 53-57 were previously pending. Claims 1, 15, 21-22, 31, 35, 38, and 48 have been amended. Claims 14, 30, 39, and 49 have been canceled without prejudice or disclaimer. Accordingly, claims 1-6, 8-10, 13-51 and 53-57 remain pending in this application.

Initially, the undersigned attorney would like to thank Examiner Zhu for specifying the reasons for each outstanding rejection. In response, the undersigned attorney has tried to do the same. It is believed that the above detailed amendments and following comments fully address all rejections. However, if any issues remain, it is kindly requested that the Examiner call the undersigned attorney (at 720.840.6740) to effect an examiner amendment or otherwise issue an in re Quale action.

Claim Objections

Objection to status indicator of claim 15 is believed to have been fully addressed as detailed above.

35 USC §112 Rejection of the Claims

Claims 1-6, 8-10, 13, 14, 31-34, and 38-47 were rejected under 35 USC § 112, first paragraph, as subject matter of the claims was failing to comply with the written description requirement.

Specifically, the Office has indicated that Fig. 4 and De-wrapper module 210 do not disclose the claimed processor logic to selectively provide the justification command in response to a relative value of the phase comparison and a threshold. In response, it is respectfully submitted that the specification in fact does provide sufficient support to meet the requirements under 35 USC 112, first paragraph. For example, claim 1 as filed (which was part of the originally filed application) includes this language. It is well-established that claims as filed form a part of the written description. Also, it is respectfully submitted that the specification

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fully supports this embodiment, e.g., in reference to Fig. 3 and discussion in paragraphs [0019]-[0022]. More specifically, a threshold value (e.g., U1 or U2) and phase comparison (e.g., by the phase boundary detector 140) are discussed with reference to the mapper 100 of Fig. 3 (including the wrapper 110). Independent claims 31 and 38 have been similarly rejected. Accordingly it is believed that the rejection of claims under 35 USC §112, first paragraph, are moot. However, if the Office maintains this rejection having considered the above information, the undersigned attorney kindly requests the Examiner to call the attorney to facilitate resolution of any remaining issues.

Claims 21 and 22 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office has raised an issue about usage of “a value of the phase comparison” as not being clear. It is believed that the above-identified amendments fully address this rejection.

35 USC §102 Rejection of the Claims

Claims 1-6, 8-10, 13, 15-20, 23-29, 31-38, 40-48, 50, 51, and 53-57 were rejected under 35 USC § 102(e) as being anticipated by Christiansen (U.S. Publication No. 20040042500).

Each of these rejections is respectfully traversed since the cited art, alone or in combination, fails to teach or suggest the claimed combination of features such as set forth in any of the pending claims.

Allowable Subject Matter

Claim 14 was indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, first paragraph set forth in the Office Action and to include all the limitations of the base claim and any intervening claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claim 1 to in part recite the language of allowable claim 14.

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Similar amendments have also been made to independent claims 31 and 35. Accordingly, these claims are also believed to be allowable.

Claims 21, 22, 39, and 49 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph set forth in the Office Action and to include all the limitations of the base claim and any intervening claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claims 38 and 48 to in part recite the language of allowable claims 39 and 49, respectively.

Claim 30 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended independent claim 15 to in part recite the language of allowable claim 30.

Accordingly, all pending independent claims (1, 15, 31, 35, 38, and 48) are in condition for allowance.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

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Dkt: P16194**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (720-840-6740) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

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Date Sept. 11, 2008

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